

POWER OF ATTORNEY

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Reddington, *et al.* Confirmation No.: 6341  
Serial No.: 10/824,175 Art Unit: To be assigned  
Filed: April 13, 2004 Examiner: To be assigned  
For: *Xanthene Dyes* Attorney Docket No.: 061873-5011-US

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints the registered attorneys at Morgan, Lewis & Bockius LLP associated with customer no. 43850 as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71; provided that, if any one of these appointed attorneys ceases being affiliated with the law firm of Morgan, Lewis & Bockius LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to the address associated with customer no. 43850.

I am the:

- ☐ Applicant/Inventor  
☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
(Statement under 37 CFR 3.73(b) is applicable)

**Statement Under 37 C.F.R. 3.73(b)**

Biosearch Technologies, Inc. states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of:

☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:

The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel , Frame , or for which a copy thereof is attached.

2. From: To:

The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel , Frame , or for which a copy thereof is attached.

3. From: To:


The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel , Frame , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments of other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

	<b>ASSIGNEE:</b>	<b>Biosearch Technologies, Inc.</b>
Date: <u>Sept 27, 04</u>	Signature:	<u></u>
	Typed Name:	Ronald M. Cook
	Position/Title:	President and CEO
	Address:	Biosearch Technologies, Inc. 81 Digital Drive Novato, CA 94949

**ASSIGNMENT OF PATENT APPLICATION**

JOINT

WHEREAS, Mark Reddington of 1431 D Battery Caulfied Road, San Francisco, California, 94129; and Matt Lyttle of 1 Love Court, Fairfax, California 94930; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified patent application:

Title of Invention: XANTHENE DYES

Filing Date: April 13, 2004

Application No.: 10/824,175; and

WHEREAS, Biosearch Technologies, Inc., located at 81 Digital Drive, Novato, CA 94949, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on any patent application claiming priority from the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that Assignors will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Morgan, Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105, to insert herein above the application number and filing date of said application when known.

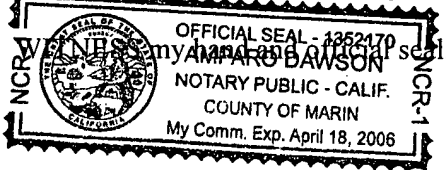
IN TESTIMONY WHEREOF, Assignors have signed his/her names on the dates indicated.

Dated: 10-26-04

M. Reddington  
Mark Reddington

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Marin )

On 10/26/04, before me, Amparo Dawson personally appeared Mark Reddington, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Amparo Dawson  
NOTARY PUBLIC

My Commission Expires: 4-18-06

Dated: 10-26-04

Matt Lyttle  
Matt Lyttle

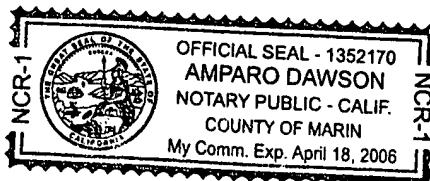
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Marin )

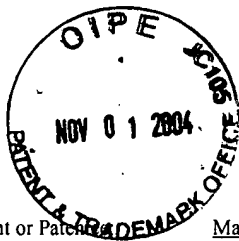
On 10/26/04, before me, Amparo Dawson personally appeared Matt Lyttle, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Amparo Dawson  
NOTARY PUBLIC

My Commission Expires: 4-18-06





VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patent Owner: Mark Reddington, et al.  
Application or Patent No.: 10/824,175  
Filed or Issued: April 13, 2004  
Title: XANTHENE DYES

I hereby declare that I am:

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: Biosearch Technologies, Inc.  
Address of Small Business Concern: 81 Digital Drive, Novato, CA 94949

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **XANTHENE DYES** by inventor(s) Mark Reddington and Matt Lyttle described in:

- ☐ the specification filed herewith;  
☒ Application No. 10/824,175, filed April 13, 2004;  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Ronald M. Cook  
Title of Person if Other than Owner: President and CEO  
Address of Person Signing: Biosearch Technologies, Inc.  
81 Digital Drive  
Novato, CA 94949

Signature Ronald M. Cook Date Sept 27, 2004